THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.14402 OF 2006

DATED 04.8.2006

BETWEEN:

Miss Megha Rani Agarwal … petitioner

And

The Commissioner,
Municipal Corporation of Hyderabad
And others. … Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.14402 OF 2006

ORDER:

Heard the counsel.

The writ petition is filed for a writ of mandamus declaring the inaction of respondents 1 to 3 on petitioner's complaint dated 10.3.2006 and 16.3.2006 as illegal, arbitrary and violative of fundamental rights guaranteed under Article 14, 19, and 21 of the Constitution of India and direct the respondents 1 to 3 to take immediate action against the fourth respondent on petitioner's complaint dated 10.3.2006 and 16.3.2006 and demolish the illegal and unauthorized construction and pass such other suitable orders.

Notice before admission was ordered on 13.7.2006. Sri Ghanta Rama Rao had taken notice to R1 to R3 and the counsel for petitioner was permitted to take out notice to R.4 and file proof of service and the same was filed as 'not claimed'.

The petitioner is a permanent resident of Shakkar Kota area which comes under the division of respondent No.3. Respondent No.4 herein is the owner of the house bearing H.No.21-7-412, to the opposite side of the petitioner and in between there is public lane of the municipality, and the petitioner and the other residents are enjoying the public lane. It is stated that recently the fourth respondent started illegal and unauthorized construction by demolishing the old

house from inside and laid down the pillar outside to his property boundaries by encroaching two feet land on the public lane, which is meant for common passers. It is stated when the petitioner and other residents raised objections about the said illegal construction, then respondent No.4 immediately dismantled the entire old boundary walls and dumped down the gannet, sand and bricks over the public lane and blocked the entire way and thereby causing inconvenience and nuisance to the passers and residents and the fourth respondent started threatening the petitioner and other residents of the said Shakkar Kota area with the help of political leaders and anti-social elements with dire consequences. Aggrieved by the action of the illegal constructions of the fourth respondent without seeking any permission from respondent No.1, the petitioner made complaint to the second respondent on 10.3.2006 and to the first respondent on 16.3.2006 to take action against the fourth respondent, who is causing nuisance and disturbance to the people by encroaching the public lane in violation of the rules and byelaws of the Hyderabad Municipal Corporation Act. But no action had been initiated by respondents 1 to 3 against the illegal constructions being carried on by the fourth respondent and though the petitioner had brought to the notice of respondents 1 to 3 repeatedly, no action had been taken and in such circumstances, the present writ petition is filed.

Sri Ghanta Rama Rao, the learned Standing Counsel would submit that these constructions are made without any permission. It is needless to say that whether the constructions are unauthorized or without permission, respondents 1 to 3 are to proceed with the further action in accordance with provisions of the Hyderabad Municipal Corporation Act.

In the light of the stand taken by the learned Standing Counsel for Municipal Corporation, respondents 1 to 3 to initiate appropriate action in accordance with the provisions of Hyderabad Municipal

Corporation Act, in relation to the unauthorized constructions complained of by the petitioner. It is needless to say that respondents 1 to 3 to expedite the action.

With the above directions, the writ petition is disposed of. No order as to costs.

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04.8.2006.

mdaa.